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| EXAMINER |
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NEWLIN, TIMOTHY R

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| ART UNIT | PAPER NUMBER |
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2623

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01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,197

Applicant(s)

HOOIJMANS, PIETER WERNER

Examiner

Timothy R. Newlin

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/9/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/12/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Burns et al., US 6,662,135.
4. Regarding claims 1 and 14, Burns discloses an in-home receiver system with a main receiver and at least one further receiver, the main receiver comprising:

at least one tuner with a tuner input for receiving a high-frequency input signal and a tuner output for supplying a tuner output signal **[tuner 330 handles both upstream (output) and downstream (input) data, Fig. 3, col. 7, 12-26],**

at least one modulator for receiving a modulator input signal to supply a high-frequency output signal to the at least one further receiver **[modulator 390, col. 9, 37-50],**

a test signal generator for supplying a test signal to the at least one modulator **[computer 380, via ASIC interface 360, provides a signal from which the upstream modulator 390 generates a modulated output, Fig. 3, col. 9, 43-47],**

a directing circuit for directing the high-frequency output signal to the tuner input **[reflective mixer 305 directs the output signal back to the input, cols. 7-8, 66-6, Fig. 3, col. 9, 51-63; block 430, Fig. 4; Fig. 9, cols. 13 and 14],** and

a test evaluator for evaluating whether the tuner output signal is in conformance with the test signal **[computer 380 determines whether the receiver has passed the test, col. 10, 29-63].**

5. Regarding claim 2, Burns discloses an in-home receiver system wherein the main receiver further comprises a switch control circuit for supplying a switching signal to the directing circuit **[test program on computer 380 controls the operation of the reflective mixer (directing circuit), col. 8, 61-66],** and

the directing circuit further comprises a switch for supplying either the high-frequency input signal or the high-frequency output signal to the tuner input under

control of the switching signal **[Figs. 13a-c and cols. 15 and 16 describe switch mechanism to vary the signal input to the tuner, e.g. col. 15, 55-59].**

6. Regarding claim 3, Burns discloses an in-home receiver system, wherein the main receiver further comprises a switch control circuit for supplying a switching signal to the directing circuit **[test program on computer 380 controls the operation of the reflective mixer (directing circuit), col. 8, 61-66],** and

the directing circuit further comprises a series arrangement of a high-frequency coupler and a switch being controlled by the switching signal, the series arrangement being arranged between the tuner input and an output of the modulator for supplying either the high-frequency input signal when the switch is open or the high-frequency input signal together with the high-frequency output signal to the tuner input when the switch is closed **[Fig. 13b, col. 15, 27-42].**

7. Regarding claim 4, Burns discloses an in-home receiver system wherein the test signal comprises a sine wave at a predetermined frequency, or a bit sequence **[signal generator 910, col. 13, 56-58].**

8. Regarding claim 5 Burns discloses an in-home receiver wherein the test signal generator comprises a modulator frequency controller for controlling the at least one modulator to vary a frequency of the high-frequency output signal through a desired frequency band **[cols. 10-11, 50-17].**

9. Regarding claim 6, Burns discloses an in-home receiver system wherein the in-home system comprises

a plurality of tuners, each with a tuner input for receiving a high-frequency input signal and a tuner output for supplying a tuner output signal **[a plurality of receivers may be tested, col. 4, 41-45; cols. 10-11, 47-6],**

a selector for selecting one of the plurality of tuner output signals **[nonconforming tuner is set aside and the another modem having a tuner output signal may be selected and tested, col. 10, 47-54],**

a test evaluator for producing a conformance signal if the output signal of the selected one of the tuner output signals is in conformance with the test signal **[col. 5, 1-4],**

the selector further being arranged for selecting an other one of the plurality of tuner output signals if the conformance signal indicates that the output signal of the selected one of the tuners is in not in conformance with the test signal **[the nonconforming tuner is set aside and the another modem having a tuner output signal may be tested, cols. 10-11, 47-6].**

10. Regarding claim 7, Burns discloses an in-home receiver system wherein the controller comprises

a tuner controller for controlling the at least one tuner to scan through at least part of the high-frequency band to be received, **[computer 380 causes the modem to scan through the downstream frequency band, col. 11m, 6-17],**

a detector for detecting at which frequencies in the at least part of the high-frequency band a broadcast signal is present **[col. 11, 25-35],** and

a frequency setting circuit for setting a modulation frequency of the at least one modulator to interleave with the frequencies in the at least part of the high-frequency band at which a broadcast signal is present **[signal generator sets a modulation frequency, col. 9, 33-63].**

11. Regarding claim 8, Burns discloses an in-home receiver system wherein the controller further comprises a timing circuit for supplying the test signal at regular time intervals **[action of switch SW in reflective mixer 305 can vary the aperture time, col. 8, 27-40].**

12. Regarding claim 13, Burns discloses an in-home receiver system wherein the main receiver further comprises a circuit for adding an upstream signaling stream onto the high-frequency input signal **[col. 8, 7-10 and 52-57].**

13. Regarding claim 15, Burns discloses, in an in-home system comprising:

at least one further receiver **[a plurality of receivers may be tested, col. 4, 41-45; cols. 10-11, 47-6],** and

a main receiver comprising at least one tuner with a tuner input for receiving a high-frequency input signal and a tuner output for supplying a tuner output signal **[tuner 330]**, and at least one modulator for receiving a modulator input signal to supply a high-frequency output signal to the at least one further video receiver **[modulator 390, Fig. 3]**, a method of testing the main receiver comprising:

supplying a test signal to the at least one modulator **[computer 380, via ASIC interface 360, provides a signal from which the upstream modulator 390 generates a modulated output, Fig. 3, col. 9, 43-47]**,

directing the high-frequency output signal to the tuner input **[reflective mixer 305 directs the output signal back to the input, cols. 7-8, 66-6, Fig. 3, col. 9, 51-63; block 430, Fig. 4; Fig. 9, cols. 13 and 14]**, and

evaluating whether the tuner output signal is in conformance with the test signal **[computer 380 determines whether the receiver has passed the test, col. 10, 29-63]**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F 9-6 EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRN


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